



W. Reed Gusciora
Mayor

CITY OF TRENTON
DEPARTMENT OF LAW

John Morelli
Director of Law

November 5, 2020

VIA Express Mail

Clerk of Court
United States District Court of New Jersey
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street
Trenton, NJ 08608

RE: Jamal A. Barlow v. City of Trenton
Docket No.: MER-L-1616-20

Dear Sir or Madam:

Our office represents Defendant City of Trenton in the above captioned matter. Enclosed please find Defendant City of Trenton's, Notice of Removal of Civil Action.

If you have any questions or concerns, please feel free to contact me. Thank you for your assistance in this matter.

Very truly yours,
/s/ Rashaan S. Williams
Rashaan S. Williams, Assistant City Attorney

RSW/ms
Cc: Kendall S. Murphy, Esq

JOHN MORELLI, CITY ATTORNEY
CITY OF TRENTON
DEPARTMENT OF LAW
319 East State Street, Room 300
Trenton, New Jersey 08608
(609) 989-3011 (telephone)
(609) 989-4242 (facsimile)
By: Rashaan S. Williams, Assistant City Attorney
Attorney for Defendant(s) City of Trenton

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Plaintiff(s) Jamal A. Barlow v. Defendant(s) Tara Dzurkoc, John Doe Officers, 1-10, City of Trenton, U.S Marshals Task Force, John Doe, 1-10, Individually Jointly and Severally	SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY DOCKET NO.: MER-L-1616-20 <u>CIVIL ACTION</u> NOTICE OF REMOVAL OF CIVIL ACTION
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Defendant, City of Trenton, hereby files this Notice of Removal of the above-captioned action to the United States District Court for the District of New Jersey, from the Superior Court of New Jersey, Law Division, Mercer County, where the action is now pending, as provided by 28 U.S.C. §1441 and states:

1. On or about October 20, 2020, a Complaint in this matter was filed in the Superior Court of New Jersey, Law Division, Mercer County. The matter, entitled Jamal A. Barlow, Jr. v. City of Trenton, was assigned Docket No. MER-L-1616-20 (hereinafter "State Court Action").

2. A copy of the Complaint purporting to state claims for relief upon which the action is based was first received by Defendant, City of Trenton, on October 22, 2020. This was the first notice of the action received by Defendants, City of Trenton. This Notice of Removal is being filed within 30 days of that date, as required by 28 U.S.C. §1446(b).

3. The State Court Action is a civil action of which the district courts of the United States have original jurisdiction pursuant to 28 U.S.C. §1331 because the case includes claims which arise under the laws of the United States; that is, claims under 42 U.S.C. §1983. Accordingly, removal is proper pursuant to 28 U.S.C. §1441 (a), (b), and (c).

4. This Notice of Removal is being filed in the United States District Court for the District of New Jersey, the district court of the United States for the district and division within which the State Court Action is pending, as required by 28 U.S.C. §§1446(a) and 1441(a).

5. Attached hereto as **Exhibit A** is a copy of all process, pleadings and orders served upon Defendant in the State Court Action, pursuant to 28 U.S.C. §1446(a).

6. Attached hereto as **Exhibit B** is a copy of the Notice to Clerk of Superior Court of Filing of Notice of Removal, the original of which is being filed with the New Jersey Superior Court Clerk, Law Division, Mercer County as required by 28 U.S.C. §1446(d).

7. Attached hereto as **Exhibit C** is a copy of the Notice to Adverse Party of Removal of Action, the original of which is being served on Plaintiff's counsel pursuant to 28 U.S.C. §1446(a). **WHEREFORE**, Defendant, City of Trenton, respectfully request

that this action proceed in this Court as an action properly removed to it.

JOHN MORELLI, Esquire
319 East State Street
Trenton, NJ 08608
(609) 989-3004

Attorney for Defendants

By: 

Rashaan S. Williams, Assistant City Attorney
Attorney ID 010012004

DATED: November 5, 2020

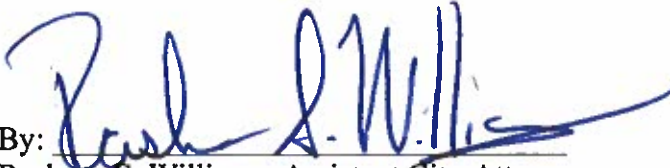
JOHN MORELLI, CITY ATTORNEY
CITY OF TRENTON
DEPARTMENT OF LAW
319 East State Street, Room 300
Trenton, New Jersey 08608
(609) 989-3011 (telephone)
(609) 989-4242 (facsimile)
By: Rashaan S. Williams, Assistant City Attorney
Attorney for Defendant(s) City of Trenton

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Plaintiff(s) Jamal A. Barlow v. Defendant(s) Tara Dzurkoc, John Doe Officers, 1-10, City of Trenton, U.S Marshals Task Force, John Doe, 1- 10, Individually Jointly and Severally	SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY DOCKET NO.: MER-L-1616-20 <u>CIVIL ACTION</u> NOTICE TO ADVERSE PARTIES OF FILING OF NOTICE OF REMOVAL
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TO: Kendall Murphy, Esq
309 Market Street
Trenton, NJ 08611

PLEASE TAKE NOTICE that a Notice of Removal of the above-captioned action from the Superior Court of New Jersey, Law Division, Mercer County, to the United States District Court for the District of New Jersey has been filed in the United States District Court for the District of New Jersey. A copy of the Notice of Removal is attached.



By: Rashaan S. Williams
Rashaan S. Williams, Assistant City Attorney
Attorney ID 010012004

DATED: November 5, 2020

EXHIBIT A

Oct 19 20:04:11p

Kendall S. Murphy, Esq.

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Kendall S. Murphy, Esquire – NJ Attorney – ID Number: 035261995
 309 Market Street
 Trenton, New Jersey 08111
 Telephone No.: 609-394-8382
 Attorney for Plaintiff

Jamal A. Barlow

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION – MERCER COUNTY

Plaintiff(s),

vs.

DOCKET NO.: MER-L-001616-20

Tara Dzurkoc, John Doe Officers, 1-10,
 City of Trenton, U.S. Marshals Task
 Force, John Doe, 1-10, Individually
 Jointly and Severally

CIVIL ACTION

Defendant(s)

SUMMONS

FROM THE STATE OF NEW JERSEY, TO THE DEFENDANT(S) NAMED BELOW:

City of Trenton
 City Hall
 319 East State Street
 Trenton, New Jersey 08608

The plaintiff named above has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis of this lawsuit. If you dispute this Complaint you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date you received it. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay off all or part of the judgment.

CITY OF TRENTON

OCT 20 2020

CITY CLERK'S OFFICE

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Kendall S. Murphy, Esq.

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If you cannot afford an attorney, you may call the Legal Services Office in the county where you live, telephone (609) 695-6249 for Mercer County. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling the Mercer

County Lawyer Referral Services at (609) 585-6200.


Clerk, Superior Court of New Jersey

Dated: October 19, 2020

Name of Defendant(s) to be served: City of Trenton
Address for Service: City of Hall
319 East State Street
Trenton, New Jersey 08608

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Kendall S. Murphy, Esq.

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KENDALL S. MURPHY, ESQ., P.C. (035261995)
309 MARKET STREET
TRENTON, NEW JERSEY 08611
Phone: (609) 394-8382, Fax: (609) 989-1314
Email: kenmurphynew@gmail.com
Attorney for Plaintiff(s)

Jamal A. Barlow, <div style="text-align: right;">Plaintiff(s)</div>	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – MERCER COUNTY
v.	:	<u>Civil Action</u>
Tara Dzurkoc, John Doe Officers 1-10, City of Trenton, U.S. Marshals Task Force, John Doe 1-10 Individually, Jointly and Severally	:	Docket No.: MER-L-001616-20
<div style="text-align: right;">Defendant(s)</div>	:	COMPLAINT and JURY DEMAND

Plaintiff residing at 611 Bridge Street, in the City of Trenton, County of Mercer, State of New Jersey, by way of complaint states:

1. At all relevant times, Defendants, Tara Dzurkoc, was an Officer employed with the City of Trenton Police Department, located at 225 North Clinton Avenue, City of Trenton, State of New Jersey.
2. At all relevant times, Defendants, U.S. Marshals Task Force, was employed with the United States Government, located at 402 East State Street, City of Trenton, State of New Jersey.
3. John Doe 1-10 is a fictitious designation for an individual or business entity, agent servant, or assign thereof whose act or omission contributed to the damages sustained by the Plaintiff as set forth more fully herein.
4. The principals, City of Trenton and U.S. Marshals Task Force is responsible for the acts or omissions of its agent, servant, or assign.

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Kendall S. Murphy, Esq.

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COUNT 1

5. On or about September 13, 2018, Plaintiff was at his residence located at 611 Bridge Street, City of Trenton, New Jersey.
6. At the same time and place, Defendants were present.
7. Defendants approached the Plaintiff and apprehended the Plaintiff for outstanding municipal warrants.
8. At that point, Defendants grabbed the Plaintiff forcibly handcuffing him, and threw Plaintiff to the ground.
9. While on the ground and in custody said Plaintiff was viciously attacked, bitten, and savaged by a dog owned by the Defendants for which Defendants are liable within the meaning of the statute in such case made and provided.
10. Defendants realized that they had injured his arm and nonetheless they took him to the City of Trenton Police Station for processing prior to the hospital.
11. These acts and omissions by Defendants and/or John Doe 1-10 are ultra vires beyond the official duties of these Defendants.
12. Defendants and/or John Doe 1-10 acted in concert and each failed to protect the Plaintiff from assault and injury.
13. These acts and omissions by Defendants and/or John Doe 1-10 constitute individual criminal acts not barred by the Tort Claims Act.
14. These acts and omissions by the Defendants and/or John Doe 1-10 are civil rights violations specifically proscribed by 42 U.S.C. § 1983 et seq.
15. As a direct and proximate result of the acts and/or omissions of the Defendants and/or John Doe 1-10 Plaintiff suffered personal injuries which necessitated

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Kendall S. Murphy, Esq.

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medical treatment and which resulted in pain and suffering, disability and loss of the normal enjoyment of life.

16. Defendants including but not limited to Defendants and/or John Doe 1-10, assaulted injured, searched, arrested, and detained Plaintiff.
17. Defendants and/or John Doe 1-10, used excessive force causing injury and great distress to Plaintiff.
18. The foregoing acts and omissions of said and/or John Does 1-10 constituted a violation of constitutional rights under the 14th and 8th Amendments giving rise to a federal cause of action under 42 U.S.C. § 1983.

WHEREFORE, Plaintiff demands Judgment against the Defendants and/or John Die 1-10 individually jointly, and severally for:

- a. Punitive Damages; and/or
- b. Compensatory damages; and/or
- c. Attorney's fees; and
- d. Interest; and
- e. Cost of suit.

By: _____


KENDALL S. MURPHY, ESQUIRE
Attorney for Plaintiff

Dated: September 10, 2020

JURY DEMAND

Pursuant to R. 1:8-1(b) and R. 4:35-1 of the New Jersey Court Rules, Plaintiff(s) hereby demand a trial by jury for all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:5-1(c) and R. 4:25 4 of the Court Rules, Kendall S. Murphy, Esquire is hereby designated as Trial Counsel for Plaintiff(s) in connection with this litigation.

NOTICE OF PER DIEM TIME-UNIT CLOSING ARGUMENT

PLEASE TAKE NOTICE that Plaintiff(s) will use per diem argument during closing argument at Trial and suggest to Jury that unliquidated damages be calculated on a time-unit basis without reference to a specific sum, pursuant to Rule 1:7-1(b). Proper explanatory instructions to the Jury shall be requested in accordance with the Rule.

CERTIFICATION OF OTHER ACTIONS AND PARTIES

Pursuant to R. 4:5-1(b) of the New Jersey Court Rules, the undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding. No other action or arbitration proceeding is contemplated, other than, if applicable to this case, UM/UIM arbitration. The undersigned does not know the names of any other parties who should be joined in the action or who are subject to joinder.

DEMAND FOR ANSWERS TO FORM INTERROGATORIES

Pursuant to R. 4:17-1(b)(ii) of the New Jersey Court Rules, Plaintiff(s) hereby demand that the answering defendant answer Form C Uniform Interrogatories, and that such answers be served upon Plaintiff's counsel, Kendall S. Murphy, Esquire, 309 Market Street, Trenton, New Jersey 08611 in the time and manner set forth in the New Jersey Court Rules and the Discovery Instructions and Definitions set forth below.

DEMAND FOR FURTHER DISCOVERY


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Kendall S. Murphy, Esq.

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Pursuant to R. 4:10 of the New Jersey Court Rules, Plaintiff(s) hereby demand the answering Defendant respond to the Interrogatories and Request for Production of Documents that follow.


KENDALL S. MURPHY, ESQUIRE
Attorney for Plaintiff

Dated: September 10, 2020

EXHIBIT B

JOHN MORELLI, CITY ATTORNEY
CITY OF TRENTON
DEPARTMENT OF LAW
319 East State Street, Room 300
Trenton, New Jersey 08608
(609) 989-3011 (telephone)
(609) 989-4242 (facsimile)
By: Rashaan S. Williams, Assistant City Attorney
Attorney for Defendant(s) City of Trenton

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Plaintiff(s) Jamal A. Barlow v. Defendant(s) Tara Dzurkoc, John Doe Officers, 1-10, City of Trenton, U.S Marshals Task Force, John Doe, 1- 10, Individually Jointly and Severally	SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY DOCKET NO.: MER-L-1616-20 <u>CIVIL ACTION</u> NOTICE TO CLERK OF SUPERIOR COURT OF FILING OF NOTICE OF REMOVAL
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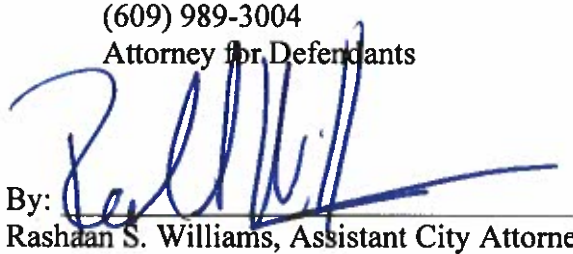
TO: Clerk, Superior Court
Law Division
Mercer County Courthouse
209 S. Broad Street
P.O. Box 8068
Trenton, New Jersey 08650

SIR OR MADAM:

PLEASE TAKE NOTICE that Defendant, City of Trenton, have filed a Notice of Removal of the above-captioned action in the United States District Court for the District of New Jersey. Attached hereto is a copy of the Notice of Removal of this case and the Notice to

Adverse Party of Filing of Notice of Removal.

JOHN MORELLI, Esquire
319 East State Street
Trenton, NJ 08608
(609) 989-3004
Attorney for Defendants

By: 
Rashaan S. Williams, Assistant City Attorney
Attorney ID 010012004

DATED: October 22, 2020

EXHIBIT C

JOHN MORELLI, CITY ATTORNEY
CITY OF TRENTON
DEPARTMENT OF LAW
319 East State Street, Room 300
Trenton, New Jersey 08608
(609) 989-3011 (telephone)
(609) 989-4242 (facsimile)
By: Rashaan S. Williams, Assistant City Attorney
Attorney for Defendant(s) City of Trenton

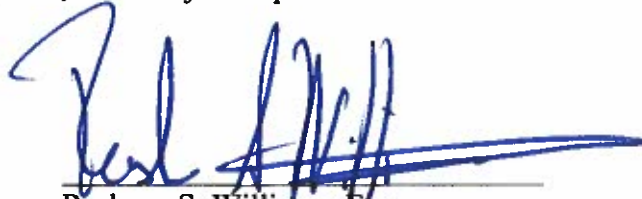
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Plaintiff(s) Jamal A. Barlow v. Defendant(s) Tara Dzurkoc, John Doe Officers, 1-10, City of Trenton, U.S Marshals Task Force, John Doe, 1-10, Individually Jointly and Severally	SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY DOCKET NO.: MER-L-1616-20 <u>CIVIL ACTION</u> CERTIFICATION OF SERVICE
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I, **Rashaan S. Williams**, of full age do hereby certify:

1. I am an Assistant City Attorney for the Defendant City of Trenton, and as such have the responsibility to defend the City in this matter and am fully aware of the facts and circumstances of this matter.
2. I caused a true and correct copy of Defendants' Notice of Removal, Notice to Clerk of Superior Court of Filing of Notice of Removal; and Notice to Adverse Party of Filing of Notice of Removal to be served upon Kendall Murphy, Esq, attorney for Plaintiff, Jamal A. Barlow.

I hereby certify that the foregoing statements are true. I am aware that if any of the foregoing statements of fact is willfully false, I am subject to punishment.



Rashaan S. Williams, Esq

DATED: November 5, 2020